PETITION FOR ZONING VARIANCE 85-30-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section ______1B02.3.C.1. (301.1) to permit a side setback of 1 foot in lieu of the required 7% feet. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 1. Structure already completed (I was innocent to the fact a building permit was needed for an open porch.) 2. To allow structure (open Porch) to remain intact. It would be difficult financially and physically to alter it. 3. It poses no problem or hazard to adjoining property (lot 136) or the community. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser: Vincent Culotta (Type or Print Name) Type or Print Name) Known Culatta Juane. Item 330 2709 W. Woodwell Rd. (301)-285-1195 or Print Name) Baltimore, Md. 21222 Name, address and phone number of legal owner, con-OROE City and State A Attorney's Telephone No.: ORDERED By The Zoning Commissioner of Baltimore County, this _____5th ____ day of ______, 19.84___, that the subject matter of this petition be advertised, as required by the Zoming Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ 31st ____ day of ____ July ____, 19.84 , at 10:15 o'clock BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204 July 13, 1984 HARRY J. PISTEL, P. E. DIRECTOR Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204 Re: Item 330 (1983-1984) Property Owner: Vincent Culotta, et ux SW/S West Woodwell Road 355' N/W from c/1 Finewood Road Acres: 50 x 120 District: 12th. Dear Mr. Jablon: The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject Baltimore County highway and utilities improvements exist and are not directly involved. This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this item 330 (1983-1984). GILBERT S. BENSON, P.E.E, Asst. Chief Bureau of Public Services

GSB:EAM:FWR;rm

KX-E-N.M. PS-9.5.E.23 TP-5.E.3-F

Peter Max Zimmerman DALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204 NORMAN E. GERBER DIRECTOR Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204 Re: Zoning Advisory Meeting of 6/5/64 Property Owner: VINCENT COMETTA ET UN Location: Slows West Westweet Reas 355' 11 181 PINEWOOD RO. Dear Mr. Jablon: The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are ()There are no site planning factors requiring comment.

()A County Review Group Meeting is required.)A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.

)This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire tract.)A record plat will be required and must be recorded prior to issuance of a building permit.)The access is not satisfactory.)The circulation on this site is not satisfactory.)The parking arrangement is not satisfactory.)Parking calculations must be shown on the plan.)This property contains soils which are defined as wetlands, and development on these soils is prohibited.)Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Development of this site may constitute a potential conflict with the Baltimore County Master Plan.)The amended Development Plan was approved by the Planning Board)Landscaping should be provided on this site and shown on the plan. The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service)The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.)Additional comments:

: BEFORE THE ZONING COMMISSIONER

: Case No. 85-30-A

Phyllis Cole Friedman

Peter Max Zimmerman

494-2188

I HEREBY CERTIFY that on this 18th day of July, 1984, a

Vincent Culotta, 2709 W. Woodwell Road, Baltimore, MD 21222, Petitioners.

copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs.

Deputy People's Counsel Rm. 223, Court House Towson, MD 21204

People's Counsel for Baltimore County

:::::::

ENTRY OF APPEARANCE

above-captioned matter. Notices should be sent of any hearing dates

or other proceedings in this matter and of the passage of any pre-

Please enter the a _arance of the People's Counsel in the

OF BALTIMORE COUNTY

PETITION FOR VARIANCE

Rd., 355' NW of the Centerline of Pinewood

Rd., 12th District

Petitioners

liminary or final Order.

SW/S of West Woodwell

VINCENT CULOTTA, et ux,

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE July 23, 1984

COUNTY OFFICE BLDG. 2709 W. Woodwell Road Baltimore, Maryland 21222 2709 W. Woodwell Road

Mr. & Mrs. Vincent Culotta

Nicholas B. Commodari Chairman

RE: Item NO. 330 - Case NO. 85-30-A Petitioner - Vincent Culotta, et ux Variance Petition

Bureau of Dear Mr. & Mr. Vincent Culotta:

Department of State Roads Commissi ≘ureau of Health Department

Project Planning Building Department Board of Education Zoning Administration

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Michaeles D. Connadaie Loc. NICHOLAS B. COMMODARI

Zoning Plans Advisory Committee

NBC:bsc

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586

PAUL H. REINCKE

June 18, 1984

Mr. William Hammond Toning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee

RE: Property Owner: Vincent Culotta, et ux

Location: SW/S West Woodwell Road 355' N/W from c/l Pinewood Road Zoning Agenda: Meeting of 6/5/84 Item No.: 330

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

EXCEEDS the maximum allowed by the Fire Department.

() 3. The vehicle dead end condition shown at

() 4. The site shall be made to comply with all applicable parts of the

Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 *Life Safety Code*, 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 2:204 June 27, 1984 Mr. Arnold Jablon, Zoning Commissions Office of Planning and Zoning County Office Building Towson, Maryland 21204 Dear Mr. Jablon: Comments on Item # 330 Zoning Advisory Committee Meeting are as follows Vincent Culotta, et ux SW/S West Woodwell Road 355' N/W from c/l Pinewood Road D.R. 5.5 Variance to permit a side yard setback of l' in lieu of the required 72'. X A. All structures shall conform to the Baltimore County Building Code 1981/Council X B. A building/ permit shall be required before beginning construction. C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data. D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application. E. An exterior wall erected within 6'0 for Commercial uses or 3'0 for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0 of lot lines. A firewall in required if construction is on the lot line, see Table 401, line 2, Section 1407 and Table 1402, also Section 503.2. F. Requested variance appears to conflict with the Baltimore County Building Code, G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401. x I. Comments Open decks shall comply with the attached memo #1. NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be con-strued as the full extent of any permit. If desired, additional information

JAN 2 2 1985

BALTIMORE COUNTY, MARYLAND IN RE: PETITION ZONING VARIANCE INTER-OFFICE CORRESPONDENCE BEFORE THE SW/S of West Woodwell Road, 355' NW of the centerline of * ZONING COMMISSIONER Arnold Jablon Pinewood Road - 12th Election Date July 18, 1984 TO Zoning Commissioner District OF BALTIMORE COUNTY Norman E. Gerber, Director Vincent Culotta, et ux, Case No. 85-30-A FROM Office of Planning and Zoning Petitioners * Zoning Petition Nos. 85-25-A, 85-30-A, 85-33-A, SUBJECT 85-34-A, 85-35-A and 85-36-A * * * * * * * * * * FINDINGS OF FACT AND CONCLUSIONS OF LAW The Petitioners herein request a varince to permit a side yard setback of There are no comprehensive planning factors requiring comment on these petitions. one foot instead of the required 7½ fee' as more fully described on Petitioners' Exhibit 1. The Petitioners appeared and testified. Katheryn Noragong, an adjacent property owner, appeared as a Protestant and was represented by Counsel. Office of Planning and Zoning Testimony indicated that the 50' x 120' property is zoned D.R.5.5. The Pe-NEG/JGH/sf titioners decided to add a carport onto the side of their home toward Mrs. Noragong's house and did so without a permit. The projected carport did not materialize, but in its stead, the Petitioners built a covered deck. Unfortunately, not only did they not have a permit, they constructed it approximately one inch from the side property line instead of the required $7\frac{1}{2}$ feet. They built the A deck on that side of the house due to the location of the side entrance and the driveway which leads to the deck. Noragong objects to the deck as it is too close and is an eyesore. She annot maintain her fence because of its close proximity to the deck. She retites early and is disturbed by the noise emanating at night from those using the tock, although she admits that the Petitioners are not abusive. Mrs. Noragong also complained about the rain water running off the roof onto her property, causing seepage into her basement, and is concerned about animals and debris getting underneath the deck, which is approximately 18 inches above ground. 3. The Petitioners shall assume total responsibility for that portion of the existing fence running the length We the undersigned, being resident's of the Gray Manor of the deck, i.e., the Petitioners shall maintain and community, have no complaint of the open porch structure or repair that portion at their expense. If Mrs. Noragong the setback installed by the petitioner, Vincent Culotta of desires a different fence, of whatever type or mate-Lot #135 also known as 2709 West Woodwell Road. rial, it shall be the responsibility of the Petitioners to comply at their expense. 4. The Petitioners shall replace the screening around the foundation of the deck to sufficiently prevent animal access and debris from accumulating thereunder. 7 A Clin 2705 W Woodwell RABUT 21222 AJ/srl cc: Mr. & Mrs. Vincent Culotta ames & Idenald Mor WWOODWELLED Frances C. Gambo, Esquire Mrs (da Phat 2703 10. Westwell Rd 21222 People's Counsel Mr. Mas Lee McClelland 2702 W. Woodwell Rd.

13. P. Marlowood 2704 w woodwelf Ref 2/222 allie Shifflett 2801 W woodwell RD 21222 EXHIBIT 6

The same of

Mary McCreary, the Protestant's daughter, testified that they would be satisfied if the Petitioners shortened the deck about three inches.

The Petitioners pointed out that there are many homes in the area that have carports in violation of the setback requirements, including Mrs. Noragong. See Petitioners' Exhibits 7 through 10 which show these violations. Mrs. Noragong does have a carport on the side of her home opposite the deck which, indeed, is in violation of the setback requirement. See Petitioners' Exhibit 9. It seems that Mrs. Noragong would have appreciated the courtesy of being asked by the Petitioners before they began construction, as she did her neignbor who did not object when her carport was built.

The Petitioners presented a petition signed by other neighbors who do not object to the deck, Petitioners' Exhibit 6.

The Petitioners seek relief from Sections 301.1 and 1B02.3.C.1, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured. Ande on v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

- 2 **-**

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of August, 1984, that the Petition for Zoning Variance to permit a side yard setback of one foot instead of the required 71 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

DATE & TIME:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

The Petitioners must relocate the rain downspout from the front of the deck, i.e., between the deck and the fence, to the side facing the driveway and aim the downspout away from the adjacent property. The Petitioners must take precautions to prevent an undue amount of water from flowing off the roof of the deck onto the adjacent property.

- 3 -

O To al

BLAIR & VETRI 1794 MERRITT BOULEVARD MERRITT PARK SHOPPING CENTER DUNDALK, MARYLAND 21222 (301) 285-6000

RANDOLPH N. BLAIR M. SAMUEL VETRI OF COUNSEL: WILLIAM J. YARWORTH

DATE

July 24, 1984

IL CEPARTMENT

Office of Planning and Zoning for Baltimore County County Office Building Towson, Maryland 21204

Dear Commissioner:

Re: Petition for Variance Property of Vincent Culotta, star Hearing: July 31, 1984

15-30-A

Please enter our appearance on behalf of Mrs. Kathryn Noragong, 2711 West Woodwill Road, and that she intends to be present and contest the hearing on the variance.

M. Samuel Vetri

Very truly yours,

MSV:pr

PETITION FOR VARIANCE

12th Election District

ZONING: Petition for Variance

Southwest side of West Woodwell Road, 355 ft. Northwest LOCATION: of the centerline of Pinewood Road

Tuesday, July 31, 1984 at 10:15 A.M. PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake

Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a side setback of 1 ft. in lieu of the required 7.5 ft.

Being the property of Vincent Culotta, et ux, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

> BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY

> > JAN 22 985

Commission (

VARIANCE DESCRIPTION

Beginning on the southwest side of West Woodwell Road, 55 feet wide, at the distance of 355 feet northwest of the centerline of Pinewood Road, being Lot 135, Block 6, in the subdivision of Gray Manor. Book 13, Folio 34. Also known as 2709 West Woodwell Road in the 12th Election District.

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

APNOLD JABLON ZL NING COMMISSIONER

July 25, 1984

Mr. & Mrs. Vincent Culotta 2709 W. Woodwell Road Baltimore, Maryland 21222

Re: Petition for Variance SW/S of W. Woodwell Rd., 355 NW of the c/1 of Pinewood Road Case No. 85-30-A

Dear Mr. & Mrs. Culotta:

This is to advise you that \$48.20 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

PLD JABLON No. 131953

ig Commissioner

DATE 7/31/84 ACCOUNT R-01-615-000

AMDUNT \$48.20

Vincent Culotta FOR advertising and posting Case 85-30-A

6 019*****482018 8318F

VALIDATION OR SIGNATURE OF CASHIER

July ?, 284

Mr. & Mrs. Vincent Culotta 2709 W. Woodwell Road Baltimore, Maryland 21222

> NOTICE OF HEARING Re: Petition for Variance SW/S of West Woodwell Rd., 355' NW of the c/l of Pinewood Rd. Vincent Culotta, et ux - Petitioners Case No. 85-30-A

TIME: 10:15 A.M.

DATE: Tuesday, July 31, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake

Avenue, Towson, Maryland

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

No. 130573

R-01-615-000

AMOUNT #35.00

RICEIVED Vinlet + Diane Culotte FOR Variance regrest Item 330

C 036-++++3500:0 \$244A

VALIDATION OR SIGNATURE OF CASHIER

85-30-A

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Date of Posting 7/14/84 Posted for: Petitivi for 9 ancance Petitioner: Imand Gelotta, et up Location of property: 511/5 Med medical M., 355'NW all of Pincuood M.

Location of Signs: front of property (#2709 next

Number of Signs:

Posted by Seam 2. Ideman Date of return: 2/20/84

PETITION FOR VARIANCE

CERTIFICATE OF PUBLICATION

TOWSON, MD., --July-12----, 19-84 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on ----July_12----, 19-84.

THE JEFFERSONIAN,

18 Venetorli

PETITION FOR VARIANCE

12th Election District

ZONING: Polition for Varience LOCATION: Southwest side of West Woodwell Road, 355 ft. Northwest of the confortine of Pinewood Road. DATE & TIME Tuesdey, July 31, 1934

PUBLIC HEARING: Room 106, County Office Building, 1/12 M. Chesepeeke Auenus, Touring, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.

Publican for Variance to permit a side setback of 1 ft. in fieur of the required 7.5 ft.

Being the property of Variant Culotta, of us, as shown on plat plan filed with the Zoning Department.

In the event that this Potition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuence for said permit during the issuence for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

houring.
BY ORDER OF ARMOLD JABLON
ZONING COMMISSIONER OF
BALTIMORE COUNTY

Comments of the Comments of the Section of the Comments of the

CERTIFICATS OF PUBLICATION

OFFICE OF Dundalk Eagle

38 N. Dundalk Ave. Dundalk, Md. 21222

July 12.

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Jablon in the matter of P.O. #57134 -Req. #L63191.

19 84

The Dundaik Eagle a weekly newswas inserted in paper published in Baltimore County, Maryland, once a week suggessive weeks before the

19 84; that is to say, 13th day of July

the same was inserted in the issues of July 12, 1984

Kimbel Publication, Inc. per Publisher.

85-30-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

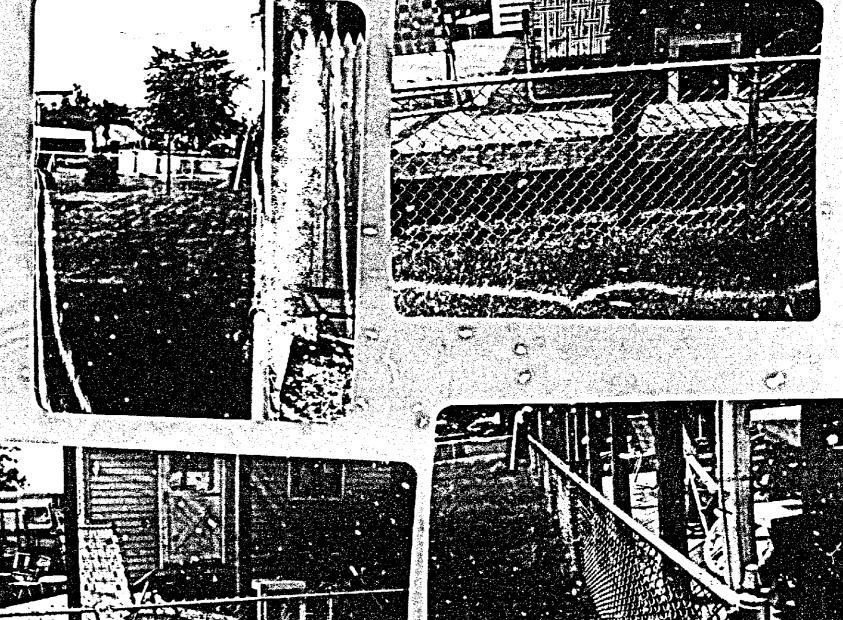
Your petition has been received and accepted for filing this day of June , 1984.

Zoning Commissione

Petitioner Petitioner's

Received by:

| Nicholas B. Commodari | Chairman, Zoning Plans | Advisory Committee









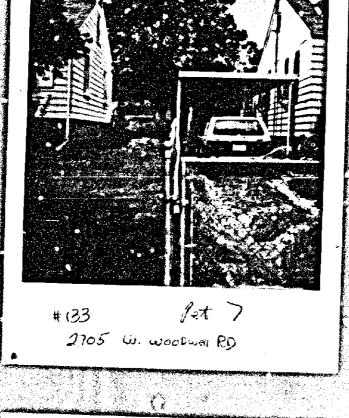
135 (Petetinen)

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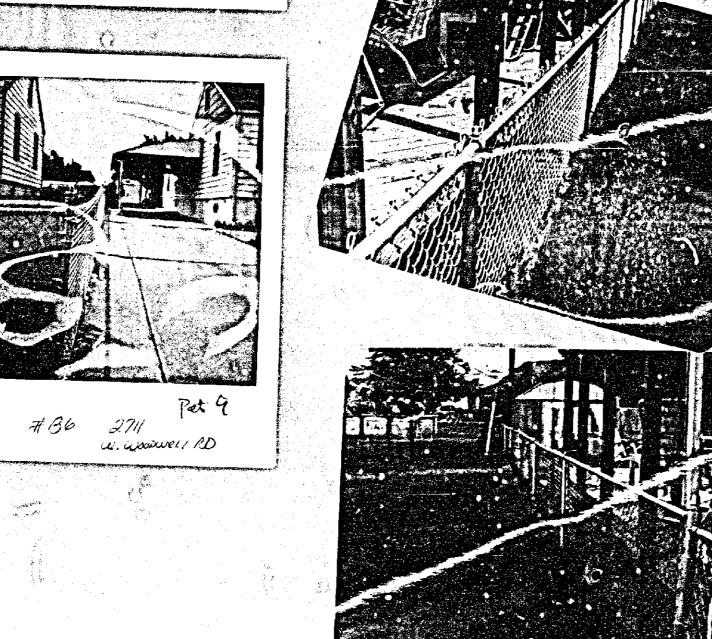


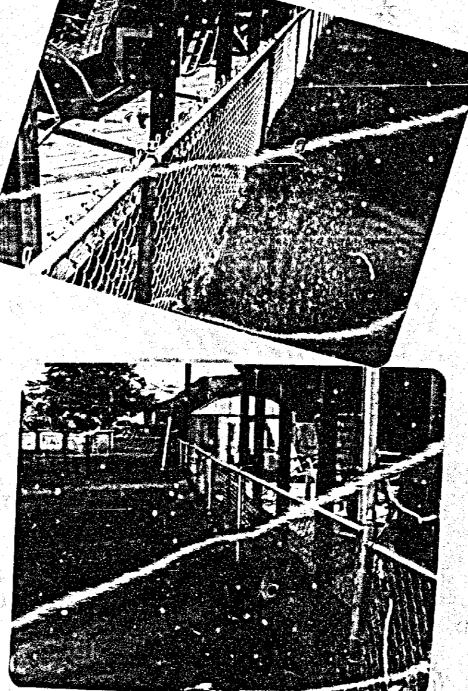
#135 (Peterhouse)

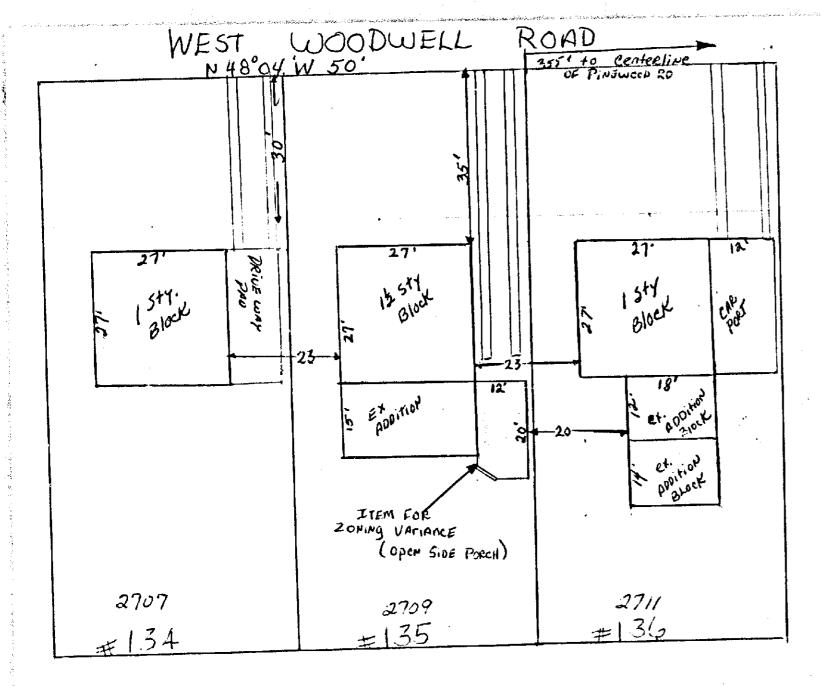
2709 to woodwell RD







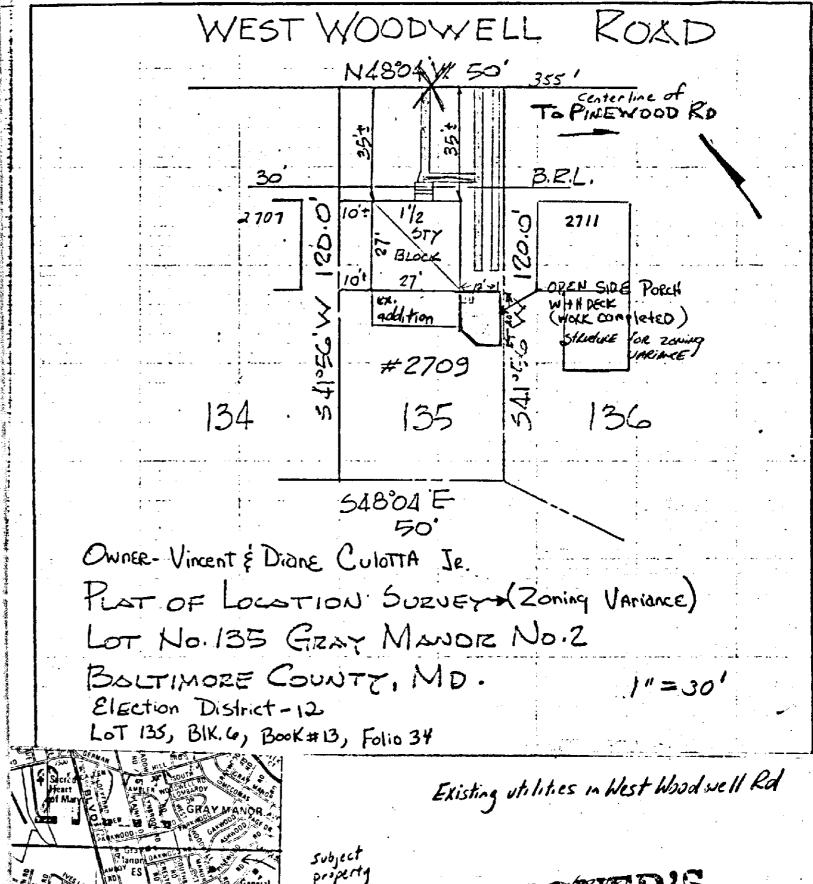




ETTEONER'S EXHIBIT 2

Vincent & DiAne CULOTTA Lot # 135 District 12 BIK. 6 BOOK#13 Folio34 Balta County Gray Manor

1"= 20"



subject

PETITIONER'S EXHIBIT_

